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February 1, 2023

BY ECF

The Honorable John P. Cronan
United States District Court
for the Southern District of New York
Daniel Patrick Moynihan Courthouse
500 Pearl Street
New York, New York 10007-1312

RE: *United States v. David Mendez, 22 CR 464*

Your Honor:

We write on behalf of our client, David Mendez, to request that Mr. Mendez's conditions of release be modified to order him to report to Anchor House for in-patient alcohol abuse treatment. Pre-trial services and the government have informed us that they do not object to the proposed modification to Mr. Mendez's bail.

On Wednesday, January 25, 2023, Mr. Mendez pleaded guilty to Count One of the Superseding Information and was granted release on a \$50,000 personal recognizance bond pending sentencing. As a condition of his release, Mr. Mendez was to report to Odyssey House for in-patient alcohol addiction treatment. Although Odyssey House had previously accepted Mr. Mendez following a screening interview, on Thursday, January 26, we learned that Mr. Mendez's acceptance into the program was revoked because the offense that he pleaded guilty to disqualified

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him for having a history of fire-starting. Mr. Mendez has not been released and remains incarcerated at MDC Brooklyn.

Upon learning of Odyssey House's decision, we located an alternative facility where Mr. Mendez can receive the treatment he needs while he awaits sentencing. Anchor House offers an intensive, in-patient treatment program for alcohol addiction that is licensed by New York's Office of Alcohol and Substance Abuse Services. Anchor House has affirmed that the conduct that Mr. Mendez pleaded guilty to does not prohibit him from receiving in-patient treatment at their facility.¹ Moreover, the facility has informed us that they have availability and are willing to accept Mr. Mendez on Monday February 6, 2023, if he is ordered by the Court to report to Anchor House for treatment.

Like at Odyssey House, Mr. Mendez will be confined to the premises of Anchor House for the first thirty days of treatment, and then will have the ability to earn the occasional day pass on Saturdays. His treatment at Anchor House would last between 6 to 12 months, depending on his ability to meet program milestones. If he completes the program before being sentenced by the Court in October, we propose to notify the Court of his graduation and request the Court modify the conditions of release to allow for Mr. Mendez to reside with a close friend.

Accordingly, we respectfully request that the Court modify the conditions of Mr. Mendez's bail such that he be ordered to report to Anchor House for in-patient alcohol abuse treatment.

Respectfully submitted,

/s/ Christopher Gunther
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cc: All counsel of record (by ECF)

¹ Anchor House is located at 1041 Bergen St, Brooklyn, NY 11216.

The request is granted. Defendant's bail conditions are to allow him to complete his required in-patient alcohol abuse treatment at Anchor House. Defendant shall report to Anchor House by February 6, 2023 to begin treatment.

SO ORDERED.

February 1, 2023
New York, New York



JOHN P. CRONAN
United States District Judge